

1983 Form

In the United States District Court **FILED**
For the Northern District of Alabama

2016 AUG -8 P 12:45
U.S. DISTRICT COURT
N.D. OF ALABAMA

CARROL JOE DRISKELL # 145957

CV-16-P-1294-S

Civil Action Number: _____

(Enter above the full name(s) of the
plaintiff(s) in this action)

v

MR. TORTORICE, COI: In his Individual and Official Capacity
MR. EADS, SGT. In his Individual and Official Capacity
Mr. Terry Thomas, Lt. In his individual and Official Capacity
Mr. Leon Bolling, Warden III, in his Individual and Official CAPACITY
Mrs. Angela Miree, Warden II, In her Individual and Official CAPACITY
Mr. Joe Tew, CAPTAIN, in his individual and Official Capacity
John Doe's, COI's times 10 in their Individual and Official CAPACITIES.
~~Redacted names and capacities~~

(Enter above full name(s) of the
defendant(s) in this action) ALL DEFENDANT'S GAVE ACTED UNDER COLOR
OF STATE LAW.

I. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court(s) dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes () No **XX**
- B. If your answer to A. is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuit(s) on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiff(s): N/A

Defendant(s): N/A

2. Court (if Federal Court, name the district; if State Court, name the county)

N/A

3. Docket Number N/A

4. Name of judge to whom case was assigned N/A

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

6. Approximate date of filing lawsuit N/A

7. Approximate date of disposition N/A

II. Place of present confinement WM. E. DONALDSON CORR. FAC.

A. Is there a prisoner grievance procedure in this institution?

Yes ☒ No ☐ MEDICAL ONLY

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes ☒ No ☐

C. If your answer is YES:

1. What steps did you take? I filed a Medical Grievance, several
of them.

2. What was the result? I was informed that AL.D.O.C. was re-
responsible and that I needed to speak to them, and

I did write a letter to ~~both of~~ the warden, at
DONALDSON AND captain Joe Tew.

D. If your answer is NO, explain why not? N/A

III. Parties

In item A below, place your name(s) in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of plaintiff(s) CARROL JOE DRISKELL AIS # 145957

Address 100 Warrior Lane, Bessemer, Alabama 35023-7299

In item B. below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions, and places of employment of any additional defendants.

B. Defendant Mr. Tortorice
 is employed as Correctional Officer I (COI)
 at WM. E. DONALDSON CORRECTIONAL FACILITY

C. Additional Defendants Mr. Eads, Sgt: Mr. Terry Thomas, Lt: Mr.
Leon Bolling, Senior Warden III: Mrs. Angela Miree, Assi
Warden II: Mr. Joe Tew, Captain: JOHN DOE'S, COI'S
times 10 of them: Jane Doe, Nurse at Donaldson Corr. Fac
ALL DEFENDANT'S WORK AT DONALDSON CORRECTIONAL FACILITY

IV. Statement of Claim

State here, as briefly as possible, the FACTS of your case. Describe how each defendant is involved. Include, also, the names of other persons involved, dates and places. *Do not give any legal arguments or cite any cases or statutes.* If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet, if necessary.

1. Donaldson Corr. Fac., is the Al. D.O.C.'s most secure prison.
2. Donaldson Corr. Fac. is a Maximum Security Prison Security
Level VI.
3. Donaldson Correctional facility is overcrowded and under-
staffed by a lot.
4. Donaldson Correctional Facility is separated into 3 sections:
East Side: West Side: Southside.
5. East Side has: A & B UNITS AND C&D EFGI (seg) I & J (SEG)
6. West Side has P&Q DISCIPLINARY SEG. UNITS: RSTU MENTAL HEALT
V&W SEGREGATION UNITS: X UNIT DISCIPL. SEG Y Unit Population
7. Southside has: K DORM OLD FOLKS DORM: L DORM NEW BEGINNINGS
DORM BY CHAPLE PROGRAM: M UNIT HONOR DORM: N DORM and

O Dorm, which is suppose to be for prisoners 50 years or older

CONTINUED ON ADDITIONAL PAGES.....

STARTING ON PAGE "A"

V. RELIEF

State briefly ~~exactly~~ what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

1. Driskell seeks ACTUAL DAMAGES: COMPENSATORY DAMAGES:

GENERAL DAMAGES: SPEACIAL DAMAGES: CONSEQUENTIAL DAMAGES:

CONTINUING DAMAGES: NOMINAL DAMAGES: PUNITIVE DAMAGES:

PECUNIARY DAMAGES: SUBSTANTIAL DAMAGES: DAMAGES TO PERSON:

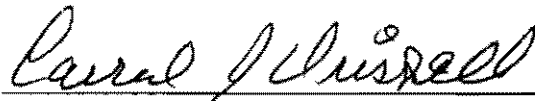
INJURIES TO PERSON FROM EACH Defendant Individually and

Jointly, and Seperately, which is to be left to the discretion
of the Trial Court or the Jury or out of Court Settlement.

CONTINUED ON SEPERATE PAGES...

"I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 5th, 2016
(date)



CARROL JOE DRISKELL

Signature(s)

CONTINUED:

#8. Let inmates STEVEN BLAKE CURATOLA AIS # 260040A and inmate ~~TERRANCE TAYLOR~~ ^{TERRANCE} ~~TAYLOR~~ out of their assigned side of A & B Unit, into the cooridor of A & B Unit, then JOHN DOE, COI, who was the cubicle Officer either with the permission and knowledge of JOHN DOE, COI who was the "A" Side Rover and JOHN DOE, COI, who was the "B" Side Rover, let both of these Two Prisoners out of A & B UNit out onto the main East Hallway without any Supervisor calling for them to be sent to the Shift Office, and they were not on any Basketball Roster that was being played on June 3rd, 2016 at Donaldson Correctional Facility, therefore, neither one of those prisoners had any reason to be outside of their assigned Block at 9:30pm on June 3rd, 2016.

#9. INMATE CURATOLA and Inmate ~~TERRANCE TAYLOR~~ ^{TERRANCE} ~~TAYLOR~~ then made it past the EAST HALL ROVER, JOHN DOE, COI, and past the RIOT GATES which was suppose to be closed, at that time of night and out of the east Hall backdoor leading to the Southside Unit, which most definately was suppose to be locked that time of night and past the JOHN DOE, COI, who had the keys to the back door and past 2-3 more Southside ROVERS, JOHN DOE's, COI'S and past the Defendant Mr. TORTORICE, COI who was the sole rover for "O" Dorm & entered into a Unauthorized area "O" Dorm, and then asked other prisoners who DRISKELL was and where he slept at, once obtaining this information, then INMATE CURATOLA, unknown to DRISKELL, who was sitting at and on his assigned bed, leaning over his bed, looking for his shower shees, when Inmate CURATOLA, jumped DRISKELL without any warning or being provoked and began to literally punch and beat inmate ~~DRISKELL~~ ^{who AT} the time was more than Twice the age of Inmate Curatola. Driskell has no idea at all how long this beating took place, Driskell only remembers that he heard his cut partner EVESTER THARPE say get the hell off of him and get out of here, that is when the beating stopped. Inmate ~~TERRANCE TAYLOR~~ ^{TERRANCE} ~~TAYLOR~~ acted as a lookout and made no attempt to stop and or intervene, and acted as a lookout to ensure that

no other prisoners were able to intervene and assist inmate DRISKELL.

#10. Inmate CURATOLA continued beating and punching Driskell for what seemed 5-10 minutes, only stopping when Driskell's cut partner saw what was happening and told CURATOLA to get the hell off of Driskell and to get out of here.

#11. After Driskell's cut partner intervened, inmates CURATOLA and Inmate ~~TORTORICE~~ ^{TORTORICE} TAYLOR then left "O" Dorm very quickly.

#12. Defendant Tortorice, COI, was the Sole Rover for "O" Dorm and had left the post that was he was assigned to for a ^{long} period of time.

13. Defendant Tortorice when he worked "O" Dorm frequently abandoned his his post in order to socialize with other male Correctional Officer's at the Southside Shack, which is approx. 200 yards away from "O" Dorm, *NOT physically present in O-Dorm.*

#14. During the time that COI TORTORICE was gone from "O" Dorm the other inmates in "O" Dorm remained unsupervised for extended periods of time.

#15. COI TORTORICE'S long-term absences from his assigned post without ensuring that another COI was present to oversee inmates in "O" Dorm played a major part to Driskell's health and Safety on June 3rd, 2016.

#16. Sgt. Eads, Shift Commander and ^{LT. TORTORICE Thomas AND} other Unknown JOHN DOE'S Shift Commander's for that shift that worked on June 3rd, 2016 and Captain Joe Tew, knew that COI TORTORICE had worked "O" Dorm on a previous occasion, when another prisoner who lived in "O" Dorm stabbed another prisoner who lived in "O" Dorm and COI TORTORICE either was not present when that incident occurred or if he was present, he was not paying no attention to what was happening in the dorm, because the inmate who got stabbed Elijah Williams had to escape out of "O" Dorm and go to the

Southside Shift Commander's shack to report the incident and in order to get assistance and medical treatment. COI TORTORICE had no idea an incident had even occurred, until he was notified on the Radio.

#17. Plaintiff is not stating that any of the Defendants acted intentionally, i.e., with the desire to inflict harm on Driskell however Driskell does allege that COI TORTORICE~~did~~ Twice abandon his post as the sole prison guard assigned to "O" Dorm, the dorm in which Driskell was assigned to live in, leaving inmates in "O" Dorm unsupervised for long periods of time.

18. Plaintiff avers that Defendant TortTORICE~~was~~ not physically present inside of "O" Dorm when Driskell was attacked and beaten up.

19. No Defendant was present inside of "O" Dorm on June 3rd, 2016, and thus No Defendant intervened on Driskell's behalf.

20. On June 3rd, 2016, after the attack took place and was over with, Driskell was able to walk to the bathroom area with the assistance of other inmates to wipe the blood off of him, and the Driskell had to sit down in the front of the dorm and try to get his bearings together. Defendant TORTORICE still had not appeared at that time, and was nowhere to be found.

21. Driskell was sitting in front of the "O" Dorm on June 3rd, 2016, after the beating had taken place when Shift Commander Sgt. Eads walked into "O" Dorm. Shift Commander Sgt. Eads just looked at Driskell and then without saying a word, walked right back out of "O" Dorm.

22. On June 3, 2016, in O Dorm once the beating had taken place Driskell had to use the Urinal, and this was after Shift Commander Sgt Eads had left "O" Dorm, Driskell had to use the urinal, it was at that time, that Driskell noticed that his Urine was DARK RED, PURE BLOOD. Another prisoner who had assisted Driskell to the Urinal advised Driskell to seek Medical Help immediately.

23. Driskell immediately went to the South Side Shack where all of the South Side Robbers were at. Driskell did not see COI TORTORICE anywhere at that time, Driskell then spoke to COI FOX and reported the incident to COI FOX who advised Driskell that COUNT TIME had just been called and for Driskell to come back once count cleared if the pain was too bad.

24. As Driskell was going back to "O" Dorm, Driskell finally saw "O" Dorm Rover COI TORTORICE for the 1st time since the beating. Driskell then advised COI TORTORICE of the Assault and what COI FOX told Driskell.

25. During the middle of the Count, Driskell informed COI TORTORICE that the pain was intensifying and that Driskell needed Medical assistance.

26. COI TORTORICE informed Driskell that he would have to wait until Count was cleared before COI TORTORICE could send Driskell to the Health Care Unit.

27. Inmate TONY RUDD of "O" Dorm, heard COI TORTORICE tell Driskell that he would have to wait until Count had cleared. Inmate Tony Rudd then went and got Driskell a wheel chair so that Driskell could sit in it.

28. Then COI TORTORICE informed Driskell that a RE-COUNT had been called and that Driskell could not go anywhere. Driskell was in such severe and intense pain that he was doubled over in the wheel chair. During the Re-Count Driskell once again advised COI TORTORICE that the pain was too severe that Driskell could not bear the pain any longer and that Driskell needed Medical assistance immediately.

29. Finally in the middle of the Re-Count COI TORTORICE called someone and then advised Inmate TONY RUDD to push Driskell to the Southside Shack.

30. When Inmate TONY RUDD got to the end of the fence by the Trade School, COI Fox came out of the South Side shack and hollered at Inmate Rudd to take Driskell to the Shift Office up the West Hallway.

31. Once Inmate Rudd got Driskell to the Cubicle by the Shift Office, one of the Inmate Runners went and told Lt. Terry Thomas and Sgt. Eads that Driskell was on the hallway by the cubicle. Inmate Rudd then went and stood in the doorway of the Inmate Barbershop on the West Hallway approx. 5 ft away.

32. After what seemed to be 10-15 minutes Driskell advised the Inmate Runner that the pain was becoming worse and worse and worse and that Driskell

needed Immediate Medical Assistance, and would the Inmate Runner please tell Lt. Terry Thomas and Sgt. Eads this.

33. After what seemed to be another 10-15 minutes, Shift Lt. Terry Thomas and Sgt. Eads left the Shift Office to come and speak to Driskell.

34. During this conversation, Lt. Terry Thomas asked Driskell what happened and who did beat Driskell up.

35. Driskell could only respond what he had been told by other inmates in "O" Dorm, that "BEBE and T.T." had come out to "O" Dorm, and that while "T.T." watched, "BEBE began to beat Driskell up while Driskell was leaning over his assigned Bed in his assigned Dorm, and that "BEBE" had stopped only when Driskell's cut partner saw what was happening and told both of them to get the hell out of the dorm. Then that both of them left.

*36. During this conversation, Sgt. Eads stated to Shift Commander Lt. Terry Thomas, that once the Shift had come on duty, that one of Sgt. Eads Sources had told Sgt. Eads that a "HIT" had been placed on DRISKELL from "A & B" Unit.

37. Driskell then again advised Lt. Terry Thomas that he Driskell was in enormous pain and that Driskell needed immediate medical attention, and that the pain was coming from his left side lower part and also from his Waist area, lower stomach.

38. Approximately 10 minutes later Inmate Rudd was then advised by Lt. Terry Thomas to push Driskell to the Infirmary up the West Hallway.

39. Once in the Infirmary, a Inmate Hospital Runner had to assist Driskell to stand so that the nurse could take Driskell's viat signs, and the Inmate Hospital Runner also had to assist Driskell onto the table so that the Nurse could examine Driskell.

40. The Nurse in the Health Care Unit (JANE DOE) at Donaldson Corr. Fac. told Driskell that she needed Driskell to give a Uriæ sample so that the Nurse could best determine to best treat Driskell. The Inmate Health Care Runner once again had to assist Driskell in getting off of the table and into the Wheelchair and to help Driskell into the Inmate Bathroom in the Infirmary.

41. Th Urine sample that Driskell gave was Dark Red Blood and the toilet that Driskell used had more pure Dark Red Blood in it which the Inmate Health Care Runner then advised the Nurse of.

42. The nurse in the Health Care Unit at Donaldson, then advised Driskell, that she could not give Driskell anything for pain due to Internal Bleeding.

43. The Nurse in the Health Care Unit, then had the COI ROVER (JOHN DOE OR JANR DOE), call the Shift Office and have Lt. Thomas Come back to the Health Care Unit, and then advised Lt. Thomas that Driskell needed to be sent out Immediately due to Internal Bleeding.

44. Approximately ____ minutes passed before Driskell was escorted from the Health Care Unit at Donaldson by Lt. Thomas and COI Cockrell in a wheel chair. Lt. Thomas then left and went to the Shift Office, and COI COCKRELL then escorted Driskell to the Back Gate, where COI COCKRELL and another JOHN DOE, COI had to pick up Driskell and lift him from the Wheelchair into the State van for transport to Brookwood Emergency Room. Driskell was then Handcuffed and shackled once Driskell was placed into the van per AL.D.O.C.'s Rules and Regulations.

45. The van ride ~~from~~ Donaldson Correctional Facility to Brookwood Hospital Emergency Room took approximately ____ minutes. Driskell has no idea why no Ambulance was called for to do the Transport especially since Driskell was in intense pain, from the Internsal Bleeding and other injuries that Driskell suffered from the beating that he took.

46. Driskell was taken to the Emergency Room at Brookwood Hospi~~t~~e and was later Admitted.

47. Driskell does not fully or clearly remember all of the event that took place following Driskell being admitted to Brookwood Hospital due to the Pain and also due to the Pain Medications tha Driskell was given once the Administration Forms were completed.

48. Driskell does remember th~~at~~ that he was given a couple of Cat SCANS, plus some X-Rays and that he was also placed in the S.C.I.U. Unit at Brookwood Hospital before being placed in a

Hospital Room on a Floor for a couple of days.

49. Driskell remembers to the best of his recollection once he left the S.I.C.U. Unit, and was placed on a Floor, that a Doctor told Driskell that if the beating had leasted a few more minutes Driskell would not be here today.

50. To the best of Driskell's memory, Driskell was advised that he suffered from:

- A. BADLY BRUISED RIBS:
- B. BADLY BRUSIED KIDNEY
- C. BADLY BRUSIED LIVER
- D. DRISKELL ALSO HAD A BAD CUT ON HIS NOSE

Driskell had other injuries but, the Emergency Room Staff at Brookwood was concerned more about the INTERNAL Bleeding and the Ribs and Liver and Kidney Damage.

51. Driskell stayed at Brookwood Hospital from June 3rd, 2016 until June 8th, 2016, when he was once again Transported by State AL.D.O.C. Van back to the prison by COI Mason and COI T. Keyes. Driskell had to be assisted into the State Van by COI Mason.

52. It should be noted that the entire time Driskell was at Brookwood Hospital, Driskell never once got out of the Hospital Bed.

53. Before being Discharged from Brookwood Hospital Driskell was told by the Discharging Doctor, that Driskell would see a Physical Therapist before he was discharged. That never occurred which should be able to be verified by the Two Female Security Officer's who were in the Hospital Room prior to Driskell's Discharge from Brookwood Hospital.

54. Driskell arrived back at brookwood Hospital on June 8th, 201 in the late afternoon, andf was immediately taken to the Health Care Unit by COI T. Keyes, where Driskell was asked by Nurse Green, if Driskell wanted to be released from the Infirmary?

55. Driskell replied that he felt in pain and that he thought he could function, even though he had not been out of the Hospital bed for the past 5 days.

56. Driskell did not see the Prison Medical Doctor before Driskell was released from the Health Care Unit On June 8th, 2016.

57. Driskell asked the JOHN DOE, COI, Infirmary Rover to send for Inmate BOBBIDALE MCKINSTRY, so that McKinstry could assist Driskell back to "O" Dorm. McKinstry had to walk very slowly with Driskell back down the hallway. It should be noted that Driskell was discharged from the Health Care Unit within 2 hours after being released from Brookwood Hospital.

58. On June 8th, 2016, once Driskell was released from the Prison Infirmary at Donaldson Corr. Fac., without ever seeing Dr. Roddam first in person to be examined, and was finally back in "O" Dorm, Driskell was in such intense and severe pain that when Driskell had to use the restroom, other Inmates had to physically lift Driskell up from his bed and place Driskell in someone else's wheel chair and assist Driskell in standing to use the Urinal, and Driskell was still urinating Blood slightly.

59. Driskell was in such Intense Pain, that Driskell had to be wheel chaired back to the Infirmary on June 8th, 2016 within Two (2) hours after his release approximately.

60. Driskell was then re-admitted to the Health Care Unit at Donaldson Correctional facility on June 8th, 2016 and was admitted under CODE RED status, which is the highest Medical Status at the prison that a prisoner can be put on.

61. Driskell remembers that a Nurse on Duty told Driskell that Driskell was running a Fever and that his Blood Pressure was extremely low on June 8th, 2016 at Donaldson Corr. Fac., and this was after Driskell had been released from Brookwood Hospital

62. Driskell was then prescribed Tylenol 3 for Pain by Dr. Roddam at Donaldson Correctional facility, Health Care Unit to be taken Driskell believes 3 times per day or as needed.

63. At No time from the time Driskell was admitted to the Emergency Room at Brookwood Hospital to the time Driskell was discharged from Brookwood Hospital and released from Donaldson Infirmary to be placed back into "O" Dorm, to the time that Driskell had to be re-admitted to Donaldson's Health Care Unit on June 8th, 2016, up until the date of filing this lawsuit has Driskell been able to lay flat on his back, or on either one of his sides.

64. Driskell stayed in the Health Care Unit at Donaldson Corr. Fac. from June 8th, 2016 until June 14th, 2016, while seeing Dr. Roddam, on June 9th, 2016: June 10th, 2016: June 13th, 2016: June 14th, 2016, and Driskell was advised by the Nurses in the Health Care Unit, that when Dr. Roddam was not at the prison, Dr. Roddam was frequently calling the prison Health Care Unit to check on Driskell's Health.

65. While Driskell was in the Health Care Unit, Driskell was prescribed Tylenol 3 to be taken as needed for pain.

66. Driskell was released from the Health Care Unit on June 14th 2016 and placed back in "O" Dorm on bed 13.

67. Before Driskell was released from the Health Care Unit Driskell was given a Profile for a Walking Cane for 180 days to assist Driskell in walking long distances.

68. On June 23rd, 2016, Driskell had to sign up for Sick Call Screening at Donaldson concerning numerous problems that stemmed from when Driskell got beat up, but, Driskell was told by the Health Care Unit's Sick Call Nurse, Nurse Vincent that she was only able to talk to me about Two (2) problems, and I would have to re-sign back up on sick call.

69. Nurse Vincent on June 23rd, 2016, at Donaldson Corr. Fac. Health Care Unit at Sick Call screening advised Driskell, that

Driskell was scheduled to see Dr. Roddam, M.D. at Donaldson's Health Care Unit on June 23rd, 2016. [Note Driskell did not see Dr. Roddam, M.D. on June 23rd, 2016, through no fault of Driskell's].

70. Driskell on June 23rd, 2016, complained about Trouble with Driskell's Left Arm/Shoulder either Nerve Damage or Muscle Spasms. Driskell also complained about not being able to lay down flat on his bed or on either side. Driskell also requested a NO PROLONGED STANDING PROFILE, which Driskell was given for 180 days by Dr. Roddam.

71. Driskell on June 23rd, 2016, also requested of Dr. Roddam an Nurse Vincent for a WEDGE PILLOW and a DOUBLE MATTRESS Profiles at Donaldson's Health Care Unit.

72. Driskell on June 23rd, 2016 was advised by NURSE VINCENT and Dr. Roddam, M.D. at Donaldson Corr. Fac.'s Health Care Unit they could not give Driskell a Medical Profile for either the WEDGE PILLOW or the Double Mattress, because Warden III Leon Bolling had informed them, that NO Prisoners were to be able to receive either a WEDGE PILLOW or a DOUBLE MATTRESS Profile for Medical Needs, and that only the Warden III Leon Bolling and or Warden II Angela Miree could do so, and or Captain Tew. Nurse Vincent advised Driskell on June 23rd, 2016 that once he Driskell was done with Sick call screening that he should stop by and speak to Captain Tew in person about this matter.

73. On June 23, 2016, once Driskell left the Sick Call Screening in the Health Care Unit, Driskell stopped by Captain Joe Tew's Office on the West Hallway and Told Captain Tew what Nurse Vincent had told Driskell, and explained why Driskell was needing those items, and would Captain Tew approved for Driskell to get these items from the Health Care Unit, and Driskell requested that Captain Joe Tew speak to Nurse Vincent about this matter. Captain Tew advised Driskell that he would check into this matter.

74. On June 24th, 2016, Driskell was advised that when Captain Joe Tew spoke to the Health Care Unit at Donaldson about the Wedge Pillow and Double Mattress, Captain Tew was advised that the Wardens had made the Order out and that Only a Warden could approve such an Order.

75. Since June 8th, 2016, when Driskell was retruned from Brookwood Hospital, Driskell has not been able to lay down flat on his back or on either oine of his sides, due to his Ribs being bruised and his Liver and Kidney's being bruised. Driskell has had to use clothes, and Blanket's folded up in order to be able to lay at a 45 Degree angle on my bed. Driskell has also experienced pain in holding his head up for more than 45 minutes at a time, and Driskell is unable to sit in a chair or at a table for longer than 45-60 minutes at any given time, without having to lay down and rest his neck. Driskell has complained about this to Dr. Roddam, M.D. at Donaldson Correctional Facility several times.

76. On June 23rd, 2016, Driskell wrote a letter to Senior Warden III Mr. Leon Bolling at Donaldson Corr. Fac., and placed it in the U.S. Mailbox at Donaldson Correctional Facility concerning whether or not Warden Bolling would allow Driskell to have a WEDGE PILLOW and Double Mattress for a Medical Need, and also asking Senior Warden III Mr. Leon Bolling why Driskjell could not have a WEDGE PILLOW and advising Warden Bolling what Nurse Vincent and Dr. Roddam, M.D. had advised Driskell of.

77. As of the date of this filing of this Lawsuit, Driskell has not received any response from Senior Warden III Mr. Leon Bolling.

78. It should be noted that Driskell is 53 years of age, D.O.B. 09-30-1962 and Driskell's attacker is 26 years of age, D.O.B. 04-08-1990, whose name is STEVEN BLAKE CURATOLA.

79. Inmate Elijah Williams is a resident of "O" Dorm, when he w was stabbed by another resident in "O" Dorm, a couple of weeks earlier, when the same Defendant COI TORTORICE was assigned as

"O" Dorm Rover, the sole rover, and COI TORTORICE either was not present physically in "O" Dorm, or COI TORTORICE was not paying attention when Inmate ELIJAH WILLIAMS was stabbed several times by another "O" Dorm Resident.

80. Driskell and other inmates both in "O" Dorm and in the cellblocks throughout the entire prison at the Wm. E. Donaldson Correctional facility know that it is a common practice for the COI's who are the sole rover's to leave their Assigned Posts without first being relieved by another COI, and this is to include some COI's who are the sole rovers in "O" Dorm, and often leave "O" Dorm and other dorms unattended or unsupervised for long periods of time, and the Shift Lt.'s and Shift Sgt.'s know of this practice and to date have done nothing about it.

81. Driskell and inmates who sleep in "O" Dorm and other dorms on the Southside Unit, knew that COI TORTORICE and other "O" Dorm Rover's who were the sole rovers for "O" Dorm and other dorms on the Southside Unit often left their Assigned Posts for long periods of time and went to the Southside Shift Office Shack, so they could speak to other COI's who work on the Southside.

82. COI TORTORICE DID NOT stay on his assigned post on June 3rd, 2016 at the Donaldson Correctional facility, which was as the sole rover for "O" Dorm, and such actions by COI TORTORICE created a risk of Physical Harm to Driskell that was substantially greater than which was necessary to make COI TORTORICE'S conduct NEGLIGENCE.

83. COI TORTORICE frequently abandoned his post as the ONLY and sole Rover for "O" Dorm leaving 125 plus prisoners in "O" Dorm unsupervised for long periods of time. Such conduct created a risk of Physical Harm which was substantially Greater than mere NEGLIGENCE.

84. Shift Lt. Terry Thomas and Sgt. Eads knew of COI TORTORICE'S habit of abandoning his assigned post as the sole rover for "O" Dorm and of failing to ensure that the inmates in "O" Dorm were properly supervised. Despite their knowledge of these facts

Shift Lt. Terry Thomas and Shift Sgt., Sgt. Eads failed to ensure proper supervision of all inmates and thus failed to correct COI TORTORICE'S well known misconduct.

85. COI TORTORICE on June 3rd, 2016, at the Donaldson Correctional Facility abandoned his assigned post as the sole rover for "O" Dorm, leaving 120 plus inmates without any supervision whatsoever, for a long period of time.

86. All prisoners at the Wm. E. Donaldson Correctional Facility are required to wear arm bands and the color of the arm band reflects on which Unit that particular prisoner sleeps on, so there should have been no way for either one of these Two prisoner's to make it on the Southside Unit without any COI's knowing that they did not sleep on the Southside Unit or in "O" Unit.

87. Driskell avers that there is a Policy and Procedure and practice which allows COI'S to abandon their assigned posts at the Donaldson Correctional facility to the detriment of those prisoners who sleep in the various and different Dorms.

88. Driskell avers that Defendant's Warden III Mr. Leon Bolling and Defendant Assistant Warden Angela Miree, and Defendant Captain Joe Tew, who is Senior Captain have each walked upon the scene when COI's have not been on their assigned posts without first being relieved by the Shift Commander and or being relieved by another COI, thus leaving their assigned post unsupervised for long periods of time throughout the shift, and yet, no one has taken any actions against those particular COI's for no reason, or shape or form.

89. JOHN DOE, CUBE OFFICER for "A & B" Unit: JOHN DOE, COI "A" Unit Rover: JOHN DOE, COI, "B" SIDE ROVER: JOHN DOE, COI EAST HALL ROVER: JOHN DOE, COI WEST HALL ROVER: SHIFT LT. TERRY THOMAS: SHIFT SGT. SGT. EADS: JOHN DOE, COI (WHO HAD THE KEYS FOR THE SOUTHSIDE AND FOR THE TWO (20) DOORS WHICH WERE SUPPOSE TO BE SECURED AT THAT TIME OF NIGHT): JOHN DOE'S, COI'S 2-3 AS SOUTHSIDE ROVERS: JOHN DOE, COI, BACK TOWER OFFICER: JOHN DOE, (RANK UNKNOWN) SECURITY SUPERVISOR for June 3rd, 2016 to June 4th, 2016, along with Defendant TORTORICE all knew that at 9:30pm onward at Donaldson Corr. Fac., a

Maximum Security Prison, Security Level VI, prisoner;'s are not suppose to be walking around the prison unsupervised without being sent for by the Shift Commander's.

90. Shift Lt. Terry Thomas and Shift Sgt. Sgt. Eads knew of the history at Donaldson Corr. Fac, that prisoners were often times walking around the prison at all times of the evening traveling in and out of Cellblocks and going out on the Southside late in the evening and failed to take any corrective actions to correct these deficiencies for prison security at Donaldson Corr. Fac.

91. Driskell avers that this is the SECOND time that Driskell has been ASSAULTED while in his assigned Dormitory in "O" Dorm and while Driskell was on his assigned bed, on this very same shift, without the Dorm Officer ever seeing anything happen. The previous time, Sgt. Eads was the Shift Commander and Lt. Terry Thomas was not yet a Lt., and did not even work on that shift. The previous ASSAULT took place at Breakfast time, when an unknown inmate came into "O" Dorm as DRISKELL was laying in his bed sleeping and hit DRISKELL in his Left Eye, which Driskell recently had Surgery on and ran out of the dorm without ever being stopped by the "O" Dorm rover assigned to "O" Dorm, and No Southside Rover ever stopped that inmate either. Driskell reported that incident to Shift Commander Sgt. Eads at that time.

92. Driskell avers that Inmate ~~TERRANCE~~ ^{TERRANCE} ~~TAYLOR~~ ^{TAYLOR} B/M AIS # UNKNOWN escorted INMATE STEVEN BLAKE CURATOLA W/M out of "A & B" Unit and stood approximately 10ft away, while Inmate CURATOLA Beat Driskell up, and then escorted Inmate CURATOLA out of "O" Dorm and back to their assigned dorm without ever being stopped by the "O" Dorm Officer, Defendant COI TORTORICE AND WITHOUT EVER BEING STOPPED BY ANY Southside COI'S and without ever being stopped by any Shift Commander's.

93. Defendants at Donaldson Correctional Facility as of the date of filing this suit, have done nothing at all to Inmate ~~TERRANCE~~ ^{TERRANCE} ~~TAYLOR~~ ^{TAYLOR}, who is the inmate who ~~escorted~~ ^{escorted} DRISKELL'S

Assailant out of "O" Dorm and back to their assigned Cellblock which is on the other side of the prison.

94. Since the date of this incident, this ASSAULT, June 3rd, 201 No Warden, No Captain, No Lt., No Sgt., and non one from I & I has ever spoken to Driskell about this incident noir to any prisoner's who reside in "O" Dorm as to what they saw or heard.

95. On June 27th, 2016, Driskell was advised that his attacker was given a lesser charge for the charge of FIGHTING WITHOUT A WEAPON, and that STEVEN BLAKE CURATOLA has not been listed as DRISKELL'S ENEMY.

96. According to ADMINSTRATIVE REGULATION # 403, which the A.R. dealing with Disciplinary Infractions for Prisoners, both of these Inmates ~~sh~~ould have been written up for THE FOLLOWING CHARGES:

- A. RULE # 906 ASSAULT ON AN INMATE
- B. RULE # 932 FIGHTING WITHOUT A WEAPON RESULTING IN SERIOUS INJURY
- C. RULE # 503 BEING IN AN UNAUTHORIZED AREA
- D. RULE # 505 INTENTIONALLY CREATING A SAFETY AND OR SECURITY OR HEALTH HAZARD
- E. RULE # 510 CONSPIRACY TO COMMIT A RULE VIOLATION
- F. AIDING AND ABETTING ANOTHER PERSON TO COMMIT A RULE VIOLATION: RULE # 511

NOT T. Taylor

97. Driskell avers that by Donaldson Corr. fac. writing Curatola a Disciplinary for FIGHTING WITHOUT A WEAPON, this charge according to A.R. # 403, states: " Two or more individuals engaging in mutual combat with NO weapons, +NO serious Injury, and where the principal aggressor is not known.

98. Driskell ^{avers to} ~~asks~~ this Honorable Court and the Defendant's how is this Disciplinary Possible, when there was only 1 person fighting: There was very serious injury, unless the AL.D.O.C. consider's Driskell being placed in a S.I.C.U. Unit is not considered a serious injury with Driskell bleeding Internally, *AND THE PRINCIPAL Aggressor WAS KNOWN,*

* 99. On June 3rd or June 4th, 2016 once Driskell had been taken up the hallway in the wheel chair by Inmate TONY RUDD of "O" Dorm, to see Shift Lt. Thomas and Shift Sgt. Sgt. Eads and for Medical Treatment, Driskell specifically remembers that Sgt. Eads told Shift Commander Lt. Terry Thomas in front of Driskell, that: " One of Sgt. Eads sources had told Sgt. Eads as soon as they had come on duty that a "HIT" HAD BEEN PUT OUT ON DRISKELL FROM EITHER "A"& "B" Unit or "B" Unit.

* 100. On June 3rd, 2016, after Driskell had been ^{BEATEN} ~~beaten~~ up, Driskell was sitting at a table in front of the "O" Dorm with No Dorm Officer present with another Inmate from "O" Dorm, when Sgt. Eads walked into "O" Unit looked at Driskell and walked right back out without saying nary a word to Driskell.

* 101. On June 3rd or June 4th, 2016, when Driskell was speaking to Lt. Terry Thomas and Sgt/. Eads, and after Sgt. Eads stated this about a "HIT" being placed on Driskell, Sgt. Eads made the statement to Lt. Thomas that he went to "O" Dorm to see what Driskell looked like, and that Sgt. Eads left because Driskell did not say anything to him about being ~~beaten~~ up.

102. On June 20th, 2016, at Donaldson Corr. Fac., Driskell wrote a letter to Warden Bolling and to CAPTAIN JOE TEW requesting an immediate Transfer to Holman Corr. Fac, with a list of 8 Officers Driskell trusts to do the transfer due to the incident of June 3rd, 2016, and for being Assaulted twice on the same shift at different dates. As of the date of filing this suit no response has been received from WRDEN Bolling or Captain Joe Tew.

103. On July 22, 2016 at Donaldson Correctional facility Driskell once again wrote a letter to Warden Bolling and to Captain Joe Tew requesting to be Transferred to Holman Corr. Fac. Due to the incident of June 3rd, 2016 in "O" Dorm, and the other Assault which occurred on that very same shift and due to Driskell's belief that that shift had it or has it out for Driskell and will do nothing to protect Driskell. As of the date of filing this suit no reply has ever been received from warden Bolling or Captain Tew on that letter.

104. On July 25th, 2016, Driskell wrote a letter to Warden Bolling and to Warden Miree, concerning their Denial of a WEDGE PILLOW AND Double Mattress for me, and Driskell asked what was being done or used for replacements, and what about Medical Needs not being met because of the A.L.D.O.C. As of the date of mailing this Lawsuit, neither Warden has responded.

105. On July 21st or July 22nd, 2016, Driskell wrote a letter to Captain Joe Tew, which was hand delivered by COI J. Sanders to Captain Tew Directly, in which Driskell requested to speak to Captain Joew Tew and requested a Transfer to Holman Prison and and requested that a Warden to Warden Transfer be done by Warden Bolling due to Donaldson Prisons unwillingness to protect me from any further Assaults or Hits. As of the date of mailing this lawsuit, no response has been made by Captain Joe Tew.

* 106. From June 20B, 2016, at Donaldson Correctional Facility Driskell has attempted numerous of times to speak to Captain Joe Tew in person, either requesting Captain Tew's Two (2) Inmate Runners to advise Captain Tew, that Driskell wanted to and needed to speak to Captain Tew A.S.A.P. until the date of filing this suit, and at no time has Captain Tew made the time to sit down and Speak to Driskell about these matters.

* 107. Driskell avers that if a "HIT" had or has been placed on Driskell from "B" Unit at Donaldson then the Defendant's have a duty to Investigate this entire matter, which it has not done, and then Driskell should have been Transferred away from DONALDSON Correctional Facility immediately, which again has not happened,

108. Driskell avers that the Defednant's had a duty (have) to speak to Driskell's attacker and see why he Beat Driskell up so severely and the reason, and when that Inmate, Inmate Curatola speaks to whoever, then Inmate Curatola should be given a Polygraph test to determine whether or not Inmate Curatola is telling the entire truth or not, as should Driskell. This Polygraph test would determine which inmate is telling the ^{TRUTH} ~~truth~~ concerning this matter. yet, A.L.D.O.C. has not spoken to either inmate.

DAMAGES CONTINUED

2. Plaintiff seeks an Immediate Transfer from DONALDSON CORR. FAC. to Holman Corr. Fac, with No layovers at any other prison.
3. Plaintiff seeks the appointment of Counsel.
4. Plaintiff seeks for Defendant's Bolling, Mirre, Tew and Baldwin to Rewrite the Standard Operating Procedure (SOP) for COI's in letting prisoners out of the cellblocks past 9:15pm at Donaldson Correctional facility.
5. That Defendant's admit that there was a severe laspe in the Security on June 3rd, 2016 at Donaldson.
6. That Nurse Jane Doe be required to pay the Plaintiff the sum of \$ _____ in Punitive Damages for her failure to ensure that the Plaintiff was sent out to the Emergenbcy Room at Brookwopd Hospital IMMEDIATELY once she founmd out that the Plaintiff was suffering from INTERNAL BLEEDING and that Nurse Jane Doe should have called for an Ambulance to transport the Plaintiff.
7. That Defendant's and their COI's and Supervisor's be re-quired to undergo Re-Training when it comes to Security Matters.
8. That the Plaintiff be allowed to conduct further Discovery on this entire matter.
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